

### REMARKS

This amendment is submitted in response to the Examiner's Action dated November 12, 2004. Applicant has amended the claims to clarify key features of the invention and overcome the claim objections and rejections. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicant respectfully requests entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

### ALLOWABLE SUBJECT MATTER

Applicant notes with appreciation that at paragraph 36 of the Office Action, Examiner states that Claims 6, 8, 14, 16, 22 and 24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended the independent claims to more clearly recite the novel features of the invention. The amendment to the independent claims places the independent claims along with all dependent claims in condition for allowance. Applicant, therefore, respectfully requests Examiner remove the conditionality of the above allowance and extend the allowance to include all pending claims.

### CLAIMS OBJECTIONS

At paragraph 2 of the present Office Action, Claims 1, 9-10, 17-18 and 25 are objected to because of informalities. Accordingly, Applicant has amended Claims 1, 9-10, 17-18 and 25 to remove all informality contained therein and overcome the claim objections. Applicant thus requests removal of the objections to the claims.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 103

At paragraph 4 of the present Office Action, Claims 1-5, 7, 9-13, 15, 17-21, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Jollands, et al.* (U.S. Patent No. 6,292,941) in view of *Sakarda* (U.S. Patent No. 6,189,050). The combination of *Jollands* and *Sakarda* does not suggest several key elements recited by Applicant's independent claims. Specifically, both references (and the combination thereof) are devoid of any teaching or suggestion of a **first ROM symlink file** activated during system boot, which has **as its object a second RAM symlink file created** on the RAM of the computer system as **a part of the boot**

process, where the object of the RAM symlink file is a selected software resource required to support a hardware component of the computer system. The combination further fails to suggest dynamic selection from the ROM boot device (with multiple available resources for selection) of the selected resource that is made the object of the created RAM symlink file based on a determination during system boot of a best resource to support the specific hardware component. Each of the main elements/features are addressed independently below.

1. Sakarda specifically teaches away from selecting resources during a boot process

Given that Applicant's claimed invention specifically teaches about a boot process for selecting a correct resource for a hardware component, *Sakarda* is disqualified as a proper 103 reference because *Sakarda* clearly applies solely to a runtime operation that does not involve a reboot or restart of the computer system. *Sakarda* is titled "METHOD ... FOR ADDING OR REMOVING DEVICES FROM A COMPUTER SYSTEM **WITHOUT RESTARTING**" (*emphasis added*). Also, at col. 5, lines 44-47, *Sakarda* states:

*The hardware and software components of FIG. 3 enable the computer 110 to detect and configure devices that are installed after the start-up of the computer 100.*

(*emphasis added*). *Sarkada* clearly provides device driver support for devices that plugged into the computer system after the system as being booted up and is in operational mode, and *Sakarda* is clearly not applicable to a system boot process for locating correct software resources (e.g., device drives) for specific hardware components on the computer system since that would require a restart of the computer system.

While *Sarkarda* may be combined with *Jollands* on some level to support rejection of a different invention, that combination would not be valid for supporting a rejection of Applicant's claimed invention, which clearly deals with a system boot process.

2. Neither reference suggests linking RAM symlink file as an object of a ROM symlink file

While both references utilize the term "symlink file," neither describes nor suggests use of multiple symlink files with a RAM symlink file being the object of a ROM symlink file. Each reference specifically refers to a single symlink file being utilized during operation of a

corresponding device driver within the computer systems. The specific sections of each reference that are cited by the Examiner to support the rejection of Applicant's claims are devoid of any reference to or suggestion of the use of multiple symlinks with a first ROM symlink having a second RAM symlink as its object.

*Jollands* at col. 1 lines 9-21 describes a CD-ROM carrying an operating system that is to be installed on the computer system and allowing **user customization** of the installation. Col. 2, lines 1-59 generally describes "defining a customized configuration of said standard operating system," to facilitate "the maintenance of the customizable installation to take account of changes in hardware and software..." That section also describes supplying a modular definition of an OS and a hierarchical database "for controlling customization..." and "facilitates execution of the installation process..." Col. 6, lines 9-15 describes "conventions for creating begin and finish links under ... directory structure... , whereby the task which the model performs are defined by the symbolic links created in the model directory structure." The system models being described by the reference refer to "sub-directories under the 'std' directory and the links therein" (*id.* lines 2-4).

This specific use of symbolic links to define tasks being performed in the directory structure is not applicable to or suggestive of the use of multiple symlink files to select a resource (during system boot), where a created RAM symlink file is the object of a ROM symlink file on a ROM boot device.

In addition to the above limitations of *Sarkada's* system to one that is already in operational mode (post system boot), *Sarkada* also only teaches use of a single symlink file that points to one of several "pre-loaded" device drivers (resources) on the computer system (col.2, line 59-61). Col. 6, lines 2-14 states that

*[t]o allow the operating system 500 to operate the devices 111 and 112 via their respective device drivers... creates symbolic links 503 and 515 from the device drivers 505 and 506 to the file system 501 of the operating system 500.*

As illustrated by the accompanying Figure 5, a single, direct symbolic link is provided connecting each device. One skilled in the art would not find this depiction to be in any way suggestive of a first symbolic link having this second symbolic link as its object.

### **3. No Support for Official Notice**

At paragraph 13 of the Office Action, Examiner “takes Official Notice” of Applicant’s use of a first symlink file calling a second symlink file as its object. However, Examiner provides no grounds upon which such Notice could be based/supported. Since this element is a key feature of Applicant’s claims, Applicant requests that Examiner provide some support for the Notice in the form of a written reference or published paper.

Absent a showing of such support, Examiner’s Notice is without merit and should be removed. Notably, neither of the two references even suggests such a configuration and thus, the Noticed element would not have been obvious to one skilled in the art absent Applicant’s claims. Since Examiner is prevented from utilizing hindsight reasoning in supporting the rejection of any feature presented in Applicant’s claims, the above Notice is improper without some independent reference supporting such a conclusion.

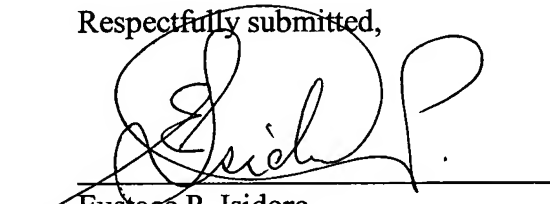
Given the above reasons, it is clear that the combination of references does not suggest key features of Applicant’s invention. One skilled in the art would not find Applicant’s invention unpatentable over the combination of references since several functional features provided by the elements of Applicant’s claims are not suggested by either reference or combination thereof. All pending claims are therefore allowable over the combination.

### CONCLUSION

Applicant has diligently responded to the Office Action by amending the claims to more clearly recite the novel features of Applicant's invention and overcome the claim objections. The amendments and arguments further overcome the §103 rejection, and Applicant, therefore, respectfully requests reconsideration of the rejection and issuance of a Notice of Allowance for all claims now pending.

Applicant further requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



Eustace P. Isidore  
*Reg. No. 56,104*  
Dillon & Yudell LLP  
8911 North Capital of Texas Highway  
Suite 2110  
Austin, Texas 78759  
512.343.6116

ATTORNEY FOR APPLICANT(S)